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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,212	04/08/2004	Thomas Patrick Keller	M-648	9412

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EXAMINER


GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,212	Applicant(s) KELLER, THOMAS PATRICK	
	Examiner Dave A. Ghatt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18,19,21-23 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,15-17,20 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 5,14,24 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/02/04 & 11/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 24, 26, and 29 are objected to because of the following informalities:

Claim 24 depends on claim 23, which is an apparatus claim. However line 1 of claim 24 recites, "Method as defined in claim 23." It appears as though the applicant meant to state, "In a printer as defined in claim 23." Appropriate correction is required.

In claim 26 line 2, it appears as though the applicant meant, "for contacting a tacky adhesive." Appropriate correction is required.

Claim 29 line 4 recites, "shelf became constructed of plastics material." This does not make complete sense. Maybe the applicant meant, "shelf being constructed of plastic material." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Streckfus (US 3,985,049). Insofar as structure is recited, Streckfus teaches the claimed subject matter. As outlined in the abstract, Streckfus teaches an apparatus with a roll having an elastomeric outer surface for contacting a tacky adhesive on a linerless web. (See element 50 in Figures 4 and 6.)

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As shown in Figure 4, Streckfus teaches a tip portion 30 positioned to cut at least one circumferential groove, i.e., a groove along the circumference of the roll. With respect to the broad functional requirement for stripping the web from the roll, the apparatus of Streckfus has structure to strip a web as recited. With respect to the broad requirement for an adhesive resistant, the applicant should note that the rubber material taught by Streckfus, which is a similar material to the claimed invention, must be resistive to some type of adhesive, such as certain pressure sensitive adhesives.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomi (JP 1258970 A) in view of Kusters (US 3,894,453). Insofar as method steps are recited, Gomi and Kusters render the claimed process obvious. With respect to claims 1, 3, 4, 9, 10, 13, 17, 20, as outlined in the translated abstract, and as shown in Figures 1 and 2, Gomi teaches the steps of providing an adhesive resistant elastomeric, rotatable platen roll 14 for a printer. With respect to the broad requirement for an adhesive resistant, the applicant should note that the rubber material taught by Gomi, which is a similar material to the claimed invention, must be resistive to some type of adhesive, such as certain pressure sensitive adhesives. The platen, as illustrated, has cut grooves 20. However, Gomi does not specifically

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teach how the grooves 20 are formed. As shown in Figure 1, Kusters teaches the process of forming grooves 2 in a platen roller by providing a web stripper 4 having at least one sharp pointed tip portion positioned to cut at least one circumferential groove, by digging into the outer surface of the platen roll, and rotating the platen to cut the grooves, the grooves no wider than the tip portion. In view of the teaching of Kusters, it would have been obvious to one of ordinary skill in the art to use the method of Kusters to cut grooves in the platen of Gomi, because of the advantage of simultaneously cutting a plurality of circumferential grooves, as taught in the abstract of Kusters.

With respect to claim 2, the primary reference Gomi teaches the claimed steps. As shown in Figure 2, Gomi teaches the step of providing a thermal head 17 cooperable with the platen 14, providing a web 11 positioned between and in contact with the rotating platen roll 14.

With respect to claims 8, 12, and 16, the primary reference Gomi teaches the step of providing the recited structure and therefore must also meet the limitation of not degrading the print quality.

With respect to claim 11, both the primary and secondary references teach the formation of grooves that are essentially the same size.

With respect to claim 15, as outlined above, Gomi teaches all the required steps except it is not known how the grooves are formed. Also outlined above, Kusters teaches the process of forming grooves 2 in a platen roller by providing a web stripper 4 having at least one sharp pointed tip portion positioned to cut at least one circumferential groove, by digging into the outer surface of the platen roll. It is obvious that in the teaching of Kusters, the cutting of grooves may require more than a single rotation of the platen. Any number of rotations of the platen that

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exceeds a single rotation meets the requirement for claim 15, i.e., having the tip portions remain in the grooves during subsequent rotation of the roll. As stated above, in view of the teaching of Kusters, it would have been obvious to one of ordinary skill in the art to use the method of Kusters to cut grooves in the platen of Gomi, because of the advantage of simultaneously cutting a plurality of circumferential grooves, as taught in the abstract of Kusters.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomi in view of Kusters as applied to claim 1 above, and further in view of Huggins et al. (US 6,347,897). As outlined in the above rejection, Gomi and Kusters teach all the claimed method steps, except it is not known if the web includes a tacky adhesive coating that contacts the platen roll. Huggins et al. teaches a printing arrangement similar to that of Gomi and Kusters. As outlined in column 5 lines 34-56, Huggins et al. teaches a thermal printing arrangement with a web that includes a tacky adhesive coating that contacts the roll 174. To one of ordinary skill in the art, it would have been obvious to use the Huggins et al. arrangement with the adhesive coating, for the advantage of printing on linerless adhesive-backed labels, as taught in column 5 lines 49-56 of Huggins et al.

7. Claims 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunishima et al. (US 4,768,063). Kunishima et al. teaches a laterally extending platen roller 5, a printhead 7 cooperable with the platen roll, a shelf 14 having a plurality of laterally spaced supporting elements 25. Kunishima et al. teaches a rigid bar 18 having end portions connected to the frame, the shelf 14 being connected securely to the bar 18. Kunishima et al. is silent as to the material

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of the shelf. However, to one of ordinary skill in the art, it would have been obvious to make the shelf of plastic material because of the advantage of having a shelf that is both sturdy and flexible.

Allowable Subject Matter

8. Claims 5, 14, 24, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total method claimed, including the step of printing on the web while the web moves and while the tip portions cut the grooves in the rotating platen roll.

Claim 14 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total method claimed, including the step of printing on the web while the roll is rotating and while the stripper tip portions is in the groove.

Claim 24 depends on claim 23, which is allowed but as indicated in paragraph 1 of the present office action, claim 24 is objected to for minor informalities.

Claim 30 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including cutters positioned to cut grooves in the outer surface of the platen roll and to assist in stripping the web from the platen roll.

9. Claims 18, 19, 21-23, and 25 allowed.

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Claim 18 is indicated as being allowed because the prior art of record does not teach or render obvious the total combination claimed, a print head and a cooperable platen roll, and a web stripper with a tip portion positioned to cut at least one circumferential groove in the outer surface of the platen roll. Although this claim recites functional language, the prior art of record does not teach the structure necessary to meet the recited function. For example, the prior art of Petteruti et al. (US 5,267,800) and Kline (US 2004/0067088 A1) both include a platen with an associated stripper, but the stripper does not provide the function of cutting at least one circumferential groove in the outer surface of the platen roll.

Claim 19 is indicated as being allowed because the prior art of record does not teach or render obvious the total combination claimed, a print head and a cooperable platen roll, at least one circumferential groove in the outer surface of the platen roll, and a web stripper having at least one tip portion extending into the groove.

Claim 20 is indicated as being allowed because the prior art of record does not teach or render obvious the total combination claimed, a print head and a cooperable platen roll, a plurality of laterally spaced circumferential grooves in the outer surface of the platen roll, and a plurality of web stripper members with tip portions extending into the grooves.

Claim 23 is indicated as being allowed because the prior art of record does not teach or render obvious the total combination claimed, a print head and a cooperable platen roll, and a web stripper having at least one portion positioned to cut at least one circumferential groove in the outer surface of the platen roll. Although this claim recites functional language, the prior art of record does not teach the structure necessary to meet the recited function.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG


Daniel J. Colilla
Primary Examiner
Art Unit 2854